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Attorneys for *Applicant* QUALCOMM
INCORPORATED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re *Ex Parte* Application of:

Case No. **24-mc-80019**

QUALCOMM INCORPORATED,

Applicant.

**DECLARATION OF
KATHERINE G. CONNOLLY IN
SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED UNDER
CIVIL LOCAL RULES 3-12 AND
7-11**

Application for an Order Pursuant to 28
U.S.C. § 1782 Granting Leave to
Conduct Discovery for Use in a Foreign
Proceeding

1 I, Katherine G. Connolly, hereby declare as follows:

2 1. I am an attorney duly admitted to practice in the State of California and
3 before this Court. I am a senior associate with the law firm Norton Rose Fulbright
4 US LLP, attorneys for Applicant Qualcomm Incorporated (“Qualcomm”) in *In re Ex*
5 *Parte Application of Qualcomm Incorporated*, Case No. 24-mc-80019. Pursuant to
6 Civil Local Rule 7-11, I submit this declaration in support of Qualcomm’s
7 Administrative Motion to Consider Whether Cases Should Be Related Under Civil
8 Local Rules 3-12 and 7-11 (“Motion”). If called as a witness, I could and would
9 testify competently to the matters stated herein.

10 2. Attached here as **Exhibit 1** is a true and correct copy of the *Ex Parte*
11 Application for An Order Granting Leave to Take Discovery for Use in a Foreign
12 Proceeding Pursuant to 28 U.S.C. § 1782 (with attachments) (ECF 1), *In re Ex Parte*
13 *Application of Consumers’ Association*, Case No. 23-mc-80322-EJD, filed on
14 December 7, 2023 (together with the above-captioned action, the “Actions”).

15 3. Attached here as **Exhibit 2** is a true and correct copy of the
16 Memorandum of Points and Authorities in support of *Ex Parte* Application for An
17 Order Granting Leave to Take Discovery for Use in a Foreign Proceeding Pursuant
18 to 28 U.S.C. § 1782 (ECF 3) (without attachments), *In re Ex Parte Application of*
19 *Consumers’ Association*, Case No. 23-mc-80322-EJD, filed on December 7, 2023.

20 4. The intended subpoena recipients are the same in both Actions: Apple
21 Inc., and Samsung Semiconductor, Inc. and/or Samsung Electronics America, Inc.

22 5. Qualcomm and the applicant in *In re Ex Parte Application of*
23 *Consumers’ Association*, Case No. 23-mc-80322-EJD, are both parties to the same
24 ongoing legal proceeding in the United Kingdom, *Consumers’ Association v.*
25 *Qualcomm Incorporated*, pending before the Competition Appeal Tribunal, Case No.
26 382/7/7/21, that forms the basis of the requested discovery in both of the Actions.

27 6. As such, substantially the same legal arguments regarding the statutory
28

1 requirements and discretionary *Intel* factors under 28 U.S.C. § 1782 are being made
2 in both Actions.

3 7. On January 27, 2024, Counsel for Qualcomm conferred by email with
4 counsel for Applicant Consumers' Association. Counsel regarding the relief
5 requested in this Motion. Counsel for Applicant Consumers' Association stated that,
6 as their application had been granted, their "client considers that it would not be
7 appropriate to consolidate the proceedings at this stage but acknowledges that this
8 may be sensible in due course[.]" The email exchange is attached hereto as **Exhibit**
9 **3**.

10 I declare under penalty of perjury that the foregoing is true and correct.
11 Executed this 29th day of January 2024, at Livermore, California.

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13 By /s/ Katherine G. Connolly
14 Katherine G. Connolly
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